REMARKS

Upon entry of the foregoing Amendment, claims 1-10 are pending. Claims 5 and 6 are amended; no new claims are added; no claims are cancelled. The as-filed specification provides support for the amended claims. Thus, no new matter is added.

In view of the foregoing Amendment and following remarks, allowance of the pending claims is requested.

Allowable Subject Matter

Applicant thanks the Examiner for the allowance of claims 1-4, and 7-8 and for the indication of allowability of claims 6 and 10.

Rejections Under 35 U.S.C. §102

The Examiner has rejected independent claim 5 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,450,411 to Rash *et al.* ("Rash"). Applicant disagrees with this rejection. However, solely to expedite prosecution, Applicant has amended claim 5 to clarify distinctions between Rash and the claimed invention

Claim 5, as amended, recites: "*receiving a message that specifies a measure of responsiveness...*" Rash apparently discloses an environmental stabilization system that "provid[es] alert messages for out of range conditions and tracks and reports related maintenance status to remote users using an electronic network." "[O]ut of range conditions," as used in Rash, apparently refer to environmental conditions as measured by environmental sensors, such as, "relative humidity level, air temperature, dew point..." Rash, col. 5, ll. 28-29; col. 12, ll. 14-18. Rash apparently does not disclose a measure of responsiveness as recited in claim 5 as amended.

For at least this reason, the Examiner has failed to show that Rash discloses each and every feature of claim 5, as amended. Thus, the rejection to claim 5 must be withdrawn.

The Examiner has also rejected independent claim 9 under 35 U.S.C. §102(b) as allegedly being anticipated by Rash. Applicant traverses this rejection because

the Examiner has failed to make a *prima facie* case of anticipation by showing that Rash discloses each and every feature of claim 9.

Claim 9 recites: "*receiving a message that specifies a responsiveness measure...*" Rash apparently discloses an environmental stabilization system that "provid[es] alert messages for out of range conditions and tracks and reports related maintenance status to remote users using an electronic network." "[O]ut of range conditions," as used in Rash, apparently refer to environmental conditions as measured by environmental sensors, such as, "relative humidity level, air temperature, dew point..." Rash, col. 5, ll. 28-29; col. 12, ll. 14-18. .Rash apparently does not disclose a responsiveness measure as recited in claim 9.

Furthermore, claim 9 also recites: "*selecting from a database a path corresponding to the client and the server...*" The portions of Rash cited by the Examiner make no mention of selecting a path between a client and server.

For at least these reasons, the Examiner has failed to show that Rash discloses each and every feature of claim 9, as amended. Thus, the rejection to claim 9 must be withdrawn.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **September 16, 2005**

Respectfully submitted,

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